

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN J. FISHMAN,

Plaintiff/Counter-Defendant,

v

BERKSHIRE LIFE INSURANCE COMPANY
OF AMERICA,

Defendant/Counter-Plaintiff.

Case No. 22-11058

HON. MARK A. GOLDSMITH

EXHIBIT LIST OF PLAINTIFF/COUNTER-DEFENDANT

Plaintiff/Counter-Defendant RYAN J. FISHMAN through his undersigned counsel KUTINSKY PC identifies the following EXHIBITS under Fed. R. Civ. P.

26(a)(3)(A). Plaintiff/Counter-Defendant references and incorporates the information concerning EXHIBITS in his Initial Disclosures under Fed. R. Civ. Proc. 26(a)(1)(A) and Supplement to Initial Disclosures.

(iii) an identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

Items Plaintiff/Counter-Defendant expects to offer:

Records of The State of Michigan Department of Insurance and Financial Services evidencing Defendant/Counter-Plaintiff's appointment of Ari David Fischman;

Records of Exam One and Dr. Robert Skalsky
Medical Questionnaire
Form ICC17
Form 5046
Form DD 701 MI

Berkshire Disability Income Insurance Policy No. Z4600540;

Psychiatric Physician's Statement of Dr. Michael F. Abramsky

Records of Dr. Michael F. Abramsky
04/30/21 Intake

Telephone Message records of Berkshire Life Insurance Company of America dated 08/30/21, 09/15/21, 09/20/21, 10/12/21, 10/20/21, 12/21/21

October 21, 2021 Letter from Dr. Howard Oaks, PsyD

Levine Chiropractic Clinic records
October 6, 2021 letter from Dr. Levine
Records of treatment
Service history reports

Fischman Insurance Group records

Policy Placement Summary
Client Manager Policy Status for Policy #Z4600540
Lion Street, Inc. insurance proposals
Telemus Personal Information statement dated 10/23/20
Guardian Policy Summaries dated 04/19/21, 07/27/21
Guardian Policy Approval Details dated 04/07/21

Guardian Letter to Ryan Fishman dated 12/17/21

Guardian Check No. 314507

Guardian application for individual disability insurance dated 10/26/20

Guardian application for individual disability insurance individual - disability insurance supplement

Guardian Supplement to Application for Insurance dated 10/26/20

Berkshire Life Insurance Company of America Disability Income Protection Coverage Outline of Coverage dated 10/26/20

Guardian DI Underwriting and New Business Case Summary

Guardian Producer's Certification dated 10/26/20

Guardian Provider Choice Disability Insurance Proposals dated October 21, 2020, April 7, 2021

Guardian Declaration of Insurability dated 04/09/21

Guardian letter dated March 21, 2022 from Dennis P. McManus

Berkshire Life Insurance Company of America Amendment to Application

Guardian Medical Supplement for Individual Life and Disability Insurance - Part II dated 11/02/20

Guardian Supplements to Application for Insurance dated 11/02/20

Guardian letter dated April 7, 2021 from Karen Rugg

Principal National Life Insurance Company Individual Life Insurance Applications dated 03/08/21, 04/14/21

Principal National Life Insurance Company Individual Life Insurance Application Overflow dated March 8, 2021

Principal National Life Insurance Company Statement of Policy Cost and Benefit Information dated 04/14/21

Principal National Life Insurance Company Supplemental Statement

Principal Life Insurance Company Medical Questionnaire

Principal National Life Insurance Company Financial Underwriting Supplement for Individual Life Insurance dated 03/08/21

Producer/Agency Agreements between Ari Fischman and Guardian

Berkshire Life Insurance Company of America Amendment to Application dated 04/09/21

Disability Claimant's Statement and Description of Occupation dated 07/29/21

Guardian Verification Solutions Investigative Summary dated 08/10/21

Guardian letters dated August 20, 2021, October 28, 2021, December 18, 2021, March 21, 2022, April 25, 2022 from Dennis P. McManus and Mark Russell

Guardian records of interview of Ari Fischman dated 08/16/21

Email from Ari Fischman to Robert Kolb dated 08/23/21

Memorandums of Dennis P. McManus and Karen Rugg dated 08/20/21, 10/25/21, 10/26/21, 11/17/21, 12/08/21

Berkshire Underwriting Guide

Attending Physician's Progress Report dated 11/11/21

Items Plaintiff/Counter-Defendant may offer if the need arises:

Documents produced by Defendant/Counter-Plaintiff Bates Stamped
BL 000001 - 003343.

Documents produced by Plaintiff/Counter-Defendant Bates Stamped
Fishman 000001 - 000324

KUTINSKY PC

/s/ Adam Kutinsky

Adam Kutinsky (P57900)

Attorney for Ryan J. Fishman

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Dated: February 14, 2023